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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Hans Heyde

Serial No.: 09/773,856

Filed: February 1, 2001

For: **COOLING TUNNEL FOR ARTICLES OF CANDY**

Confirmation No.: 3580

Group Art Unit: 3753

Examiner: Leo, Leonard R.

Docket No. 011881-1890

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 1.97(e)

Sir:

Applicant is submitting herewith an Information Disclosure Statement. This document is submitted after Final Action in the above identified application.

The documents submitted are patents listed on the accompanying form PTO 1449. The prior art submitted herewith was developed in a search report from the European Patent Office dated October 15, 2004.

Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Applicant submits a filing fee in the amount of \$180 in payment of the charge for late filing of the Information Disclosure Statement (37 CFR 1.17(p)).

Respectfully submitted,



George M. Thomas, Reg. No. 22,260

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

11-03-04

Mary N. Kilgore
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Hans Heyde

Serial No.: 09/773,856

Filed: 02-01-01

For: Cooling Tunnel for Articles of Candy



Confirmation No.: 3580

Group Art Unit: 3753

Examiner: Leo, Leonard R.

Docket No.: 11881-1890

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- under 37 CFR 1.97(b), or
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- under 37 CFR 1.97(c) together with either a:
 Statement Under 37 C.F.R. 1.97(e), or
 a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)
- under 37 CFR 1.97(d) together with a:
 Statement under 37 CFR 1.97(e), and
 a \$180.00 petition fee set forth in 37 CFR 1.17(p).
(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Enclosed is a check in the amount of \$ - - - - -

Enclosed is Credit Card Payment Form (PTO-2038) in the amount of \$ - - - - -

Please charge \$ - - - - - to deposit account - - - - - . At any time during the pendency of this application, please charge any fees required to Deposit Account 20-0778 pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.

- Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies (where required) of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.
- A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:


George M. Thomas, Reg. No. 22,260

11/21/04

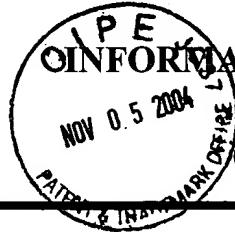
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Signature

Form PTO-1449

Attorney Docket No.
11881-1890Serial No.
09/773,856Applicant
Hans HeydeFiling Date
02-01-01Group
3753

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A						
	B						
	C						
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	L	GB 202,634	08-14-1923	GB			X	
	M	GB 997,116	12-12-1962	GB			X	
	N	DE 33 25 007	07-11-1983	Germany				X
	O	EP 0 395 897	04-03-1990	EPO			X	
	P	DE 100 04 754	02-03-2000	Germany				X

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	Q	<i>European Search Report dated: 15.10.04</i>					
	R						

* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

EXAMINER'S SIGNATURE:

DATE CONSIDERED: